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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 2 February 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and President of the Security Council

The situation in the Occupied Palestinian Territory, including East Jerusalem, remains extremely critical as Israel, the occupying Power, persists with its violations of international law, including humanitarian and human rights law, causing the continued deterioration of the situation in all aspects, including the continued suffering of the Palestinian people under its occupation, and further deepening despair and inflaming heightened tensions.

The situation is particularly acute in the Gaza Strip, where the Palestinian civilian population is struggling to cope with the humanitarian disaster inflicted upon them by the 22-day Israeli military onslaught and the more than 19-month Israeli siege of the Gaza Strip. In this regard, despite the fragile ceasefire in place — which actually continues to be violated by Israeli air strikes and threats of yet another military invasion — the massive devastation, destruction and havoc wreaked by Israel have made the task of recovery a gruelling, painful and heartbreaking experience.

As you are aware, more than 1,300 Palestinians were brutally killed and at least 5,500 Palestinians were wounded by the Israeli occupying forces in the recent military aggression. Using all means of military weaponry, the occupying Power deliberately unleashed excessive, indiscriminate and disproportionate force against the defenceless civilian population in the Gaza Strip. The killings and injuries committed by Israel were clearly committed in grave breach of international humanitarian law, which forbids, inter alia, wilful killing and wilfully causing great suffering or serious injury to body or health of protected persons. For days after the ceasefire, rescue workers continued to pull dead civilians from the rubble of demolished homes, including the bodies of many children. In this regard, it is both shocking and tragic that more than one third of those Palestinians killed and injured by the occupying Power were children and that hundreds of women were also killed or injured.

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In addition to the civilian causalities caused, wanton destruction of Palestinian property was deliberately caused by the occupying forces in the Gaza Strip in grave breach of international humanitarian law. As reported by the Office for the Coordination of Humanitarian Affairs, at least 21,000 Palestinian homes or shelters were destroyed or severely damaged by the Israeli occupying forces. In some places, such as in the Jabaliya refugee camp, entire residential areas have been systematically bulldozed to the ground by the occupying Power.

Widespread destruction and damage was also caused to vital infrastructure, including to sanitation, water and electrical networks and infrastructure and to several hospitals and schools, as well as to numerous public institutions and mosques, thousands of businesses, and agricultural lands. Of course, it must also be recalled that, as we are all aware, the occupying Power's rampage in the Gaza Strip did not leave the United Nations facilities there unharmed, as several UNRWA schools and the main United Nations compound also came under Israeli attack, which gravely damaged United Nations facilities and caused an immense loss of materials stored at the main compound, including food and medical supplies.

The extent of human suffering and destruction wrought by the occupying Power is vast. Entire families and communities have been devastated. In addition to the killing and injuring of thousands of civilians, at least 50,000 people have also been displaced and made homeless by this deadly military campaign. Trauma and suffering are widespread and deep, affecting every single family in Gaza, all of whom have already suffered inordinately under Israel's inhumane blockade, which continues to be imposed in collective punishment of the entire Palestinian civilian population and which has caused unprecedented levels of poverty, unemployment, hunger and disease. In this regard, we stress the imperative of the immediate, sustained opening of the Gaza Strip border crossings for the free movement of persons and goods, including desperately needed humanitarian assistance that countries and organizations from all around the world are attempting to deliver to the Palestinian people, as well as commercial flows to allow for the necessary reconstruction and economic recovery.

These actions by Israel, the occupying Power, have not only caused a grave humanitarian crisis in the Gaza Strip but, as we have reiterated on numerous occasions, also constitute war crimes. All of the crimes committed by the occupying Power must be thoroughly investigated and the perpetrators must be held fully accountable and brought to justice. In this regard, we stress our conviction that only accountability will bring an end to Israel's impunity and flagrant disregard for its obligations under international law, and we reaffirm the intention to continue vigorously calling for and pursuing accountability until the perpetrators of these crimes against the Palestinian people are punished and justice is served.

At the same time, I must draw your attention to the fact that Israel also continues to commit other grave breaches of international law, in particular the Fourth Geneva Convention, in the rest of the Occupied Palestinian Territory, ensuring the continued destabilization of the situation and the fuelling of tensions and frustrations. In breach of the law, in violation of United Nations resolutions, in disrespect of the Road Map obligation to freeze settlement activities, including "natural growth", and to dismantle "settlement outposts" and in total disregard of the repeated calls from all around the international community, the occupying Power continues to illegally construct and expand its settlements and also to illegally

construct the Wall throughout the West Bank, particularly in and around Occupied East Jerusalem.

Just a few days ago the Israeli Government announced the decision to construct another 3,500 settlement units in East Jerusalem. Moreover, a recent report by an Israeli organization (Volunteers for Human Rights — Yesh Din) reaffirms the fact that such settlement construction continues to be carried out on private Palestinian lands confiscated from their rightful owners with the full knowledge and approval of the Government. It has become glaringly clear that Israel's direct and deliberate intention in pursuing this illegal colonization campaign is to alter the demographic composition, character and status of the Occupied Palestinian Territory for the ultimate aim of de facto annexing even more Palestinian land.

In this connection, Israel also continues to pursue illegal excavations in and around Occupied East Jerusalem, in violation of international law, threatening the sanctity of holy sites, as well as their status as heritage sites according to the United Nations Educational, Scientific and Cultural Organization, and also threatening the safety and viability of homes and institutions in the area. An incident that occurred yesterday in the neighbourhood of Silwan at the elementary school for girls, which is run by UNRWA, is an illustration of the many dangers of this illegal activity. At least 17 Palestinian girls were injured at the school when the floor of their classroom collapsed under their desks, throwing them at least two metres downward. This collapse was attributed to ongoing Israeli excavation and tunnel-digging activities near and beneath the compound of Al-Aqsa Mosque, which is located just 100 metres from the school.

We reiterate the illegality of all Israeli colonization activities in the Occupied Palestinian Territory and call for their immediate and full cessation by the occupying Power. Such illegal activities are not only dissecting the West Bank into several isolated cantons and almost completely severing East Jerusalem from the rest of the Palestinian Territory, but are also totally undermining the Territory's contiguity, unity and integrity. As a result, the prospect for achieving the two-State solution for peace also continues to be undermined and seriously endangered with each passing day of this continuing, illegal and destructive Israeli policy and campaign.

The international community has clear obligations in this regard. The obligation to respect and to ensure respect for international humanitarian law in all circumstances is unequivocal. The situation in the Occupied Palestinian Territory must not be the exception. No effort should be spared by the international community, including the Security Council, to address this precarious situation in accordance with international law. Israel, the occupying Power, must be compelled to cease all of its grave breaches and violations against the Palestinian people and abide by its obligations under international law, including humanitarian and human rights law. Only such respect for international law will bring about the conditions and environment required for the genuine pursuit of peace.

The present letter is in follow-up to our previous 332 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 14 January 2009 (A/ES-10/442-S/2009/40), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the

Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice. (As all the victims have not yet been identified, their names will be included in an annex to a future letter.)

I should be grateful of you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer